

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

**DOC # 20080019327**

Right of Way Page 1 of 15  
Russell Shirts Washington County Recorder  
05/12/2008 09:01:29 AM Fee \$ 0.00  
By GOVERNOR OF STATE OF UTAH



**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Washington County as it pertains to the highway located in Washington County known as GARDNER RANCH ROAD; County Road Number: 0217; State Geographic Information Database (SGID) Road Identification Number: RD270217. Total road length is 3.03 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 23<sup>rd</sup> day of APRIL, 2008.

By the Governor's Designee

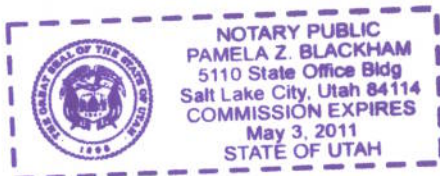
  
\_\_\_\_\_  
John Harja

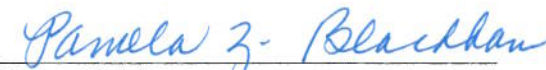
### CERTIFICATION

State of Utah                    )  
                                      : ss  
County of Salt Lake         )

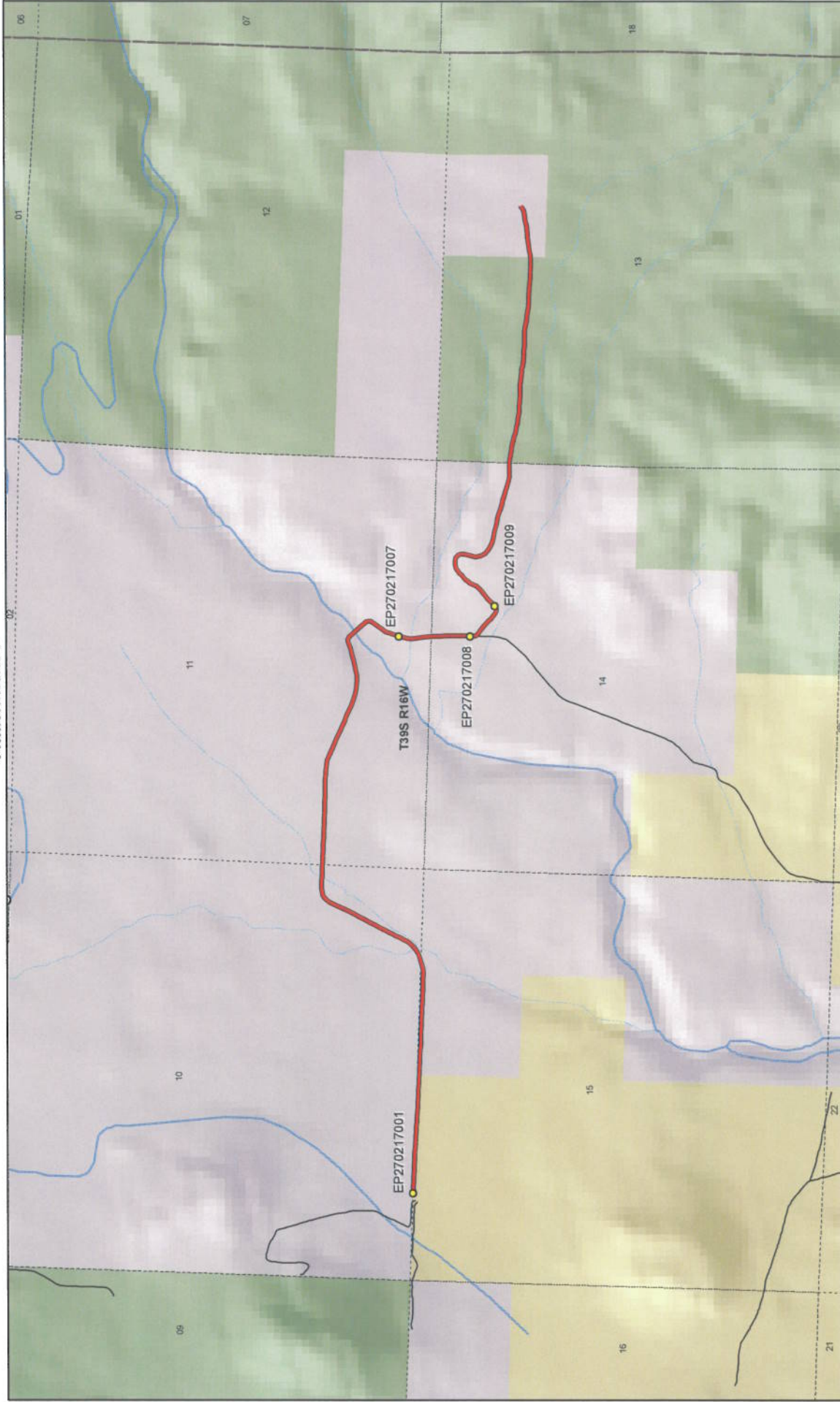
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 23<sup>rd</sup> day of April, 2008.



  
\_\_\_\_\_  
Notary Public

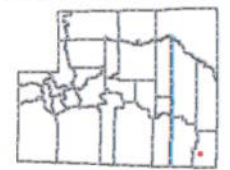




**GARDNER RANCH ROAD - Washington County**  
**SGID RD\_ID RD270217**



1:20,450  
1 inch equals 0.3 miles



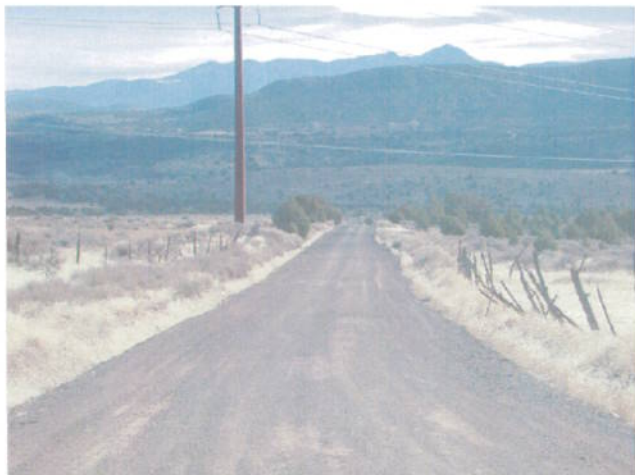
- Land Ownership Categories**
- BLM
  - Private
  - SITLA, State Trust Land
  - USFS, National Forest
  - State Parks and Recreation
  - Tribal, Indian Reservation
  - NPS, National Park

- Transportation Network**
- GARDNER RANCH ROAD
  - Other Roads
  - Title V: Issued Or Under Consideration By BLM
  - Co County
  - Photo Event Point
  - Section = 1 Mile

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 3130 State Office Building  
Salt Lake City, UT 84114  
Feb 12, 2008



Attachment 2



EP270217001



EP270217007



EP270217008



EP270217009

EP000000000

EP000000000

**GARDNER RANCH ROAD - Washington County**  
**SGID RD\_ID RD270217**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
February 14, 2008





### **Attachment 3**

#### **Beginning & Ending Points and Township, Range, and Section References For:**

**Popular Name: GARDNER RANCH ROAD**

**County: Washington**

**County Road Number: 0217**

**State Geographic Information Database (SGID) Road Identification Number: RD270217.**

**Total Road Length: 3.03 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 24 minutes 09.17 seconds North Latitude and -113 degrees 38 minutes 20.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,019,135.0 feet and Y = 10,117,552.6 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 23 minutes 58.65 seconds North Latitude and -113 degrees 35 minutes 43.36 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,031,782.4 feet and Y = 10,116,201.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 39 South Range 16 West, Section(s) 10,11,13,14,15, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

**Attachment 4**  
**Road Centerline Description Cover Page(s)**

**Popular Name: GARDNER RANCH ROAD**

**County: Washington**

**County Road Number: 0217**

**State Geographic Information Database (SGID) Road Identification Number: RD270217.**

**Total Road Length: 3.03 miles more or less.**

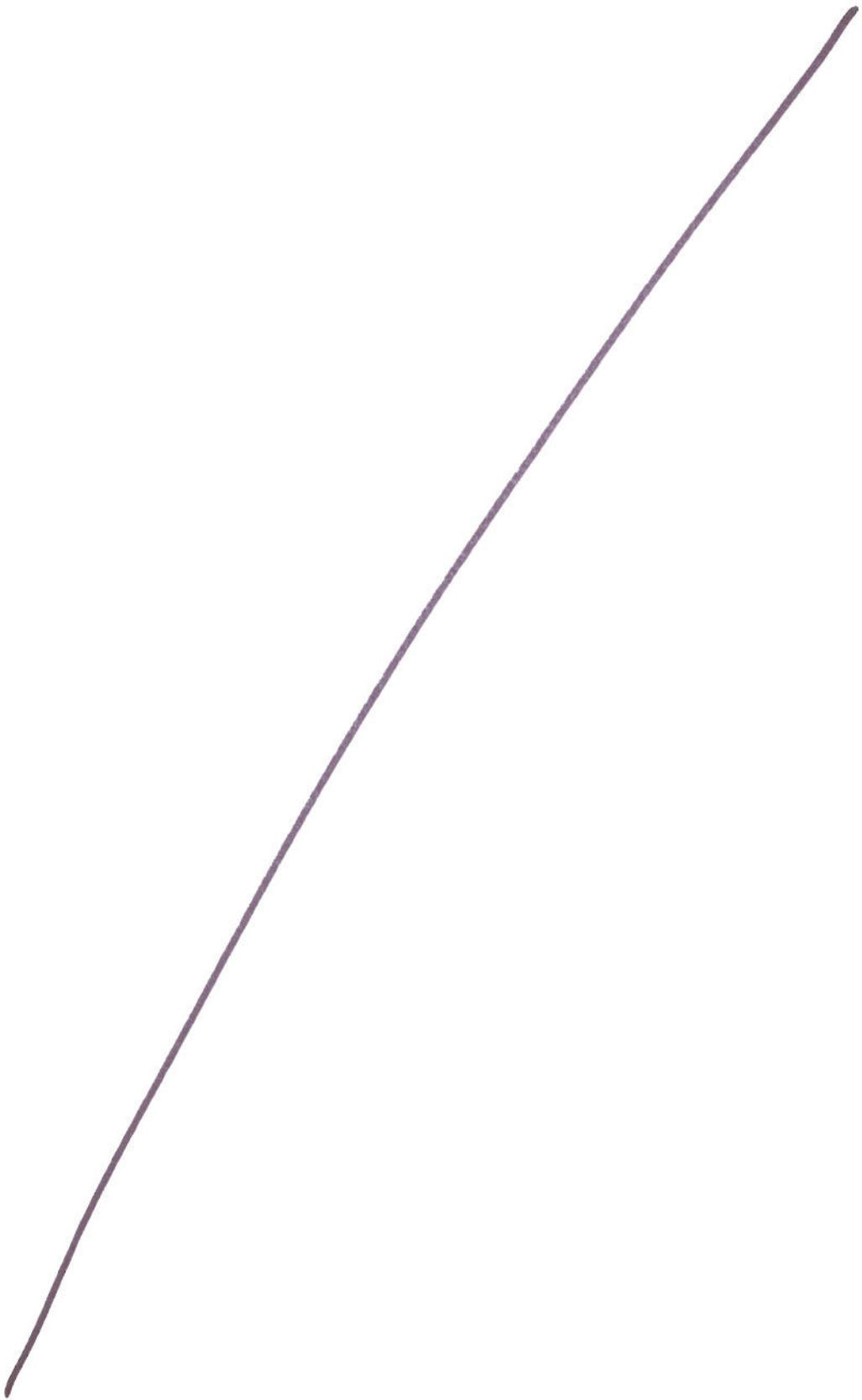
**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD270217</b>	<b>001</b>	<b>BLM</b>	<b>0.29 Miles</b>	<b>A</b>
<b>RD270217</b>	<b>002</b>	<b>PVT</b>	<b>2.11 Miles</b>	<b>(not shown)</b>
<b>RD270217</b>	<b>003</b>	<b>FS</b>	<b>0.5 Miles</b>	<b>†(pending)</b>
<b>RD270217</b>	<b>004</b>	<b>PVT</b>	<b>0.13 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>3.03</b>	<b>_____</b>

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

## Attachment 5



AFFIDAVIT OF HOWARD T. DRAKE  
GARDNER RANCH ROAD  
COUNTY ROAD NUMBER 0217  
WASHINGTON COUNTY, UTAH

State of Utah                                 )  
  :ss  
County of Washington                    )

HOWARD T. DRAKE, being first duly sworn, deposes and states as follows:

1.       I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I am 84 years old. I currently reside in Central, Washington County, Utah. I have lived in Washington County for at least 80 years, except for serving 2 years with the United States Navy. I worked for the State of Utah Department of Transportation for a few years. I worked as a rancher and cattleman since I was a young man. I worked for 10 years for a Nevada holding company managing a large cattle ranch in Central, Utah. I also operated my own deer and cougar hunting camp for at least 60 years, in Central, Utah and the Beaver Dam Wash Area, in Washington County. I have hunted cougars in Washington County for at least 60 years, and still occasionally hunt.

2.       I have traveled and am familiar with a road in Washington County known as GARDNER RANCH ROAD. I am also familiar with the land the road traverses. When I first used and observed the road in 1940, it followed the same route as in 2006, when I last observed it. Attached is a Washington County map showing GARDNER RANCH ROAD. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly



on the attached map. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1940, and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by private pickup trucks, jeeps, stock trucks, motorcycles other motor vehicles, and also by horse and wagon. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and it is presently used daily.

4. Throughout the time period from 1940 to 2006, I have used the road myself at least weekly, weather permitting, for livestock operations, wood gathering, sight seeing, prospecting, trapping, and hunting.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus government access, mining and prospecting, tourism, recreation such as camping, picnicking, hiking, and traveling in and through the general areas.

6. It is also my understanding that it is the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased as early as 1940 and continuing through 1976 to 2006, for the uses described in the previous paragraphs.

7. Prior to 1976, I observed general repairs, maintenance and/or construction activities of the road by Washington County. I observed cattle guards, berms, gravel,

culverts, graded and raised surfaces, cuts and fills, grader marks, and flood and repair work on the road on an as-needed-basis.

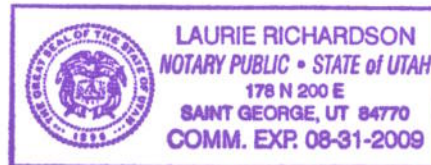
DATED this 21st of Feb, 2007

  
HOWARD T. DRAKE

SUBSCRIBED AND SWORN to before me this 21st day of Feb, 2007.

  
NOTARY PUBLIC

END OF DOCUMENT

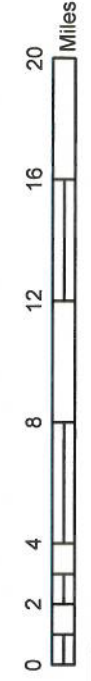
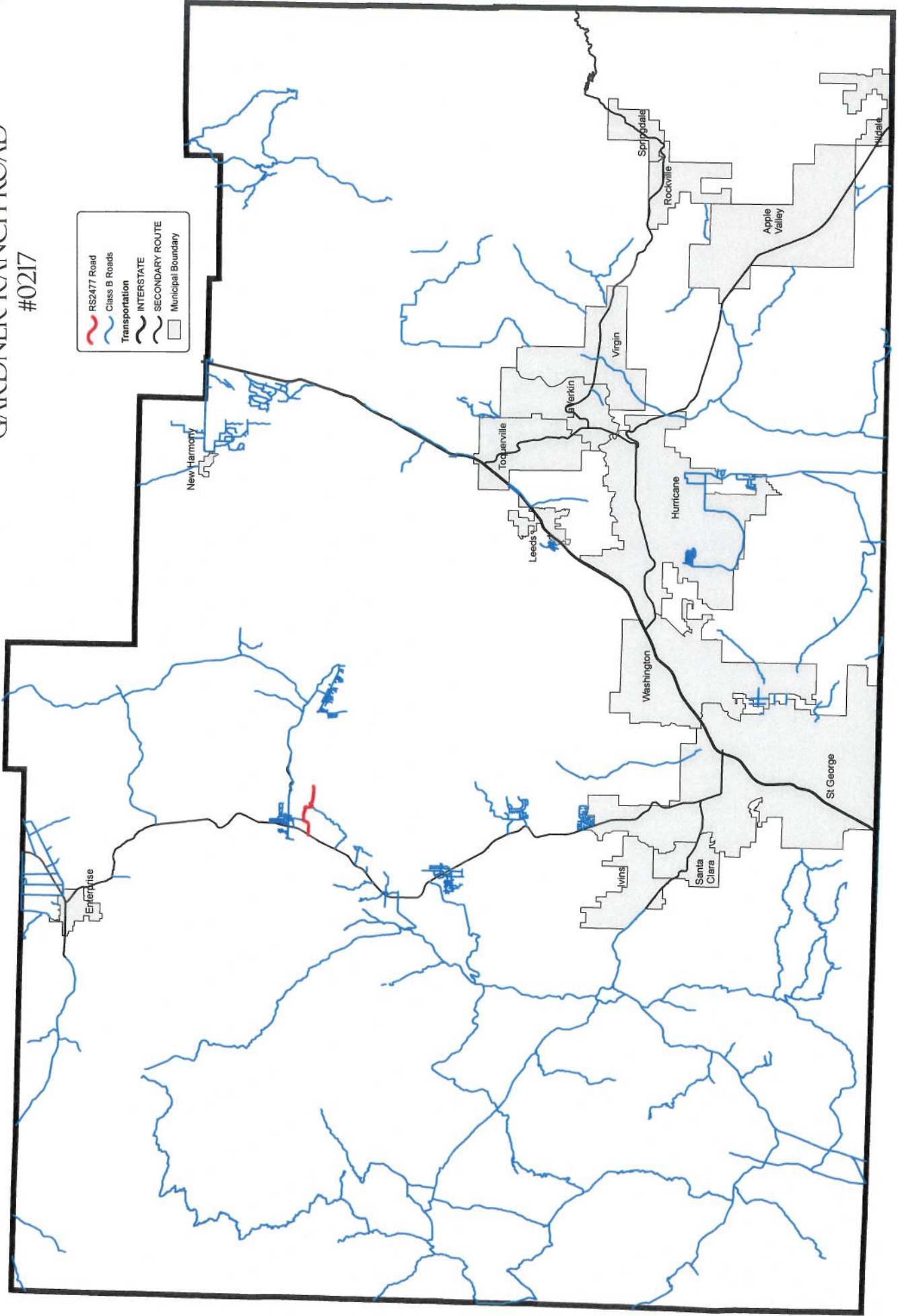


# WASHINGTON COUNTY

## GARDNER RANCH ROAD

### #0217

- RS2477 Road
- Class B Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary





AFFIDAVIT OF DEAN THOMAS TERRY  
GARDNER RANCH ROAD  
COUNTY ROAD NUMBER 0217  
WASHINGTON COUNTY, UTAH

State of Utah                                 )  
  :ss  
County of Washington                     )

DEAN THOMAS TERRY, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I am 73 years old. I currently reside at Twin Springs Ranch, located at 3200 South 1700 East, Enterprise, Washington County, Utah. I grew up in the Beaver Dam Wash Area, where my father homesteaded a large parcel of land in 1915. I have lived in Washington County my entire life, except for 11 years when I lived in Las Vegas, Nevada. Even while living in Nevada, I have always had close ties to Washington County, Utah. I have been a real estate owner and developer for the past 40 years in both Utah and Nevada.

2. I have traveled and am familiar with a road in Washington County known as GARDNER RANCH ROAD. I am also familiar with the land the road traverses. I traveled the road as a young child, with my father, as early as the 1940s. When I first used and observed the road myself, in approximately the early 1940s, it followed the same route as in 2007 when I last observed it. Attached is a Washington County map showing GARDNER RANCH ROAD. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map, except

for some diversion due to flooding. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since the 1940s, and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by trucks, jeeps, stock trucks, and other motor vehicles, including more recently, ATVs. Throughout this time period, the road has been used regularly for more than ten continuous years prior to 1976, and it is presently used on a regular basis, weather permitting. The road is used more on weekends, holidays and during hunting seasons.

4. Throughout the time period from the early 1940s to the present, I have used the road myself for hunting, and recreation such as camping, hiking, and sight seeing.

5. Throughout the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus homesteading, farming, commerce, mining and prospecting, wood gathering, general recreation and tourism, government access, and travel in and through the general areas.

6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased since before 1915, and continuing through 1976 to the present, for the uses described in the previous paragraphs. My father told me on several occasions that the road was open before his 1915 homestead was established.

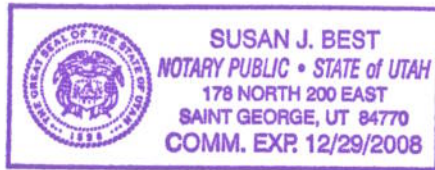
7. Prior to 1976, I occasionally observed Washington County and private graders on the road. I observed general repairs and maintenance of the road. I observed cattle guards,

where needed, cuts and fills, grader marks, culverts, and flood repair work, on an as-needed-basis.

DATED this 6<sup>th</sup> of June, 2007.

Dean Thomas Terry  
DEAN THOMAS TERRY

SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of June 2007, 2007.



Susan J. Best  
NOTARY PUBLIC

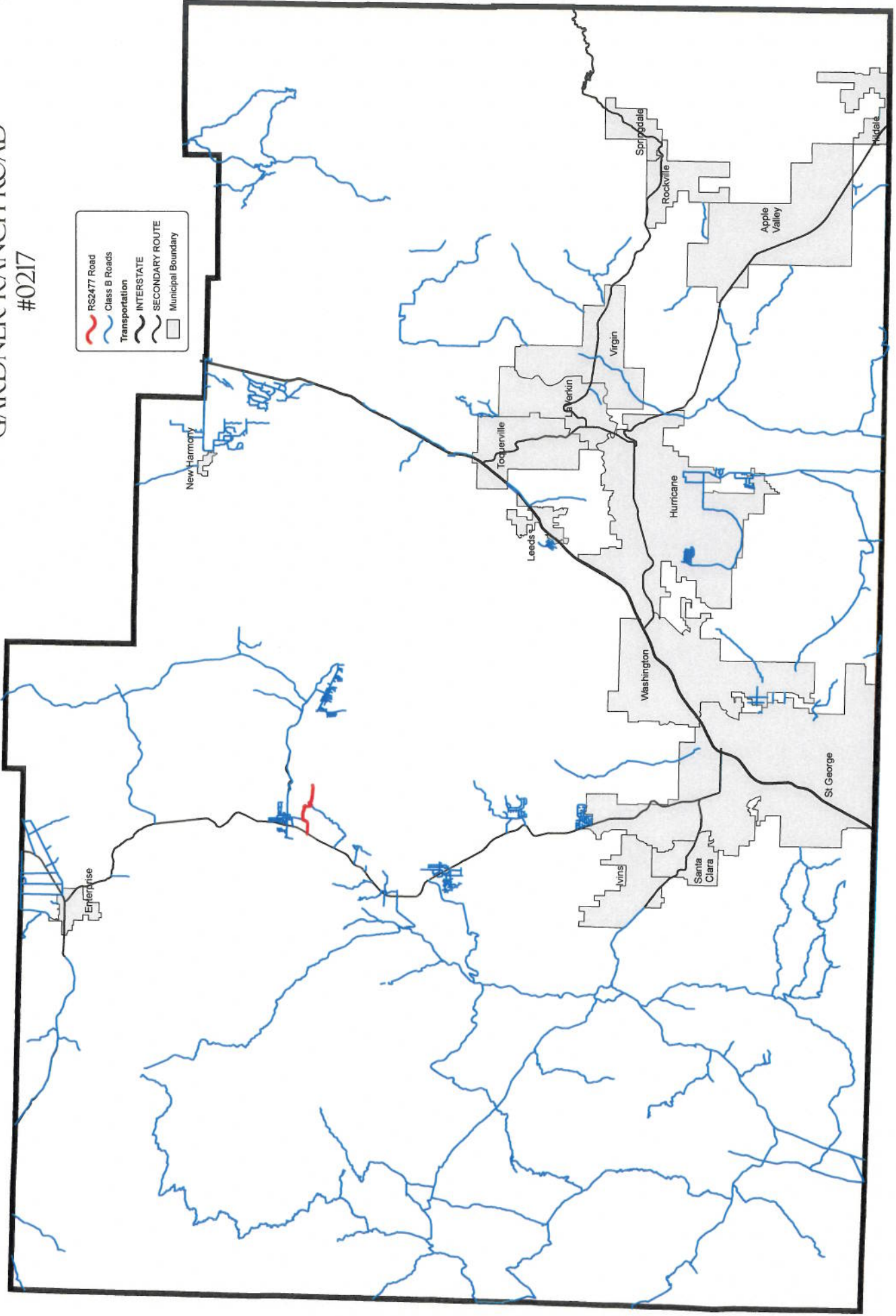


# WASHINGTON COUNTY

## GARDNER RANCH ROAD

### #0217

- RS2477 Road
- Class B Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary



## Appendix A to Attachment 4

**Popular Name: GARDNER RANCH ROAD**

**County: Washington**

**County Road Number: 0217**

**State Geographic Information Database (SGID) Road Identification Number: RD270217.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.29 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 39 South Range 16 West, Section(s) 15, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (GARDNER RANCH ROAD)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 37 degrees 24 minutes 09.17 seconds North Latitude and -113 degrees 38 minutes 20.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,019,135.0 feet and Y = 10,117,552.6 feet; thence the following courses along the said road center line:

thence North 87 Degrees 22 Minutes 10 Seconds East	32.2 feet
thence South 87 Degrees 32 Minutes 42 Seconds East	41 feet
thence South 88 Degrees 15 Minutes 44 Seconds East	46.3 feet
thence South 89 Degrees 13 Minutes 32 Seconds East	52.8 feet
thence South 86 Degrees 46 Minutes 35 Seconds East	58.8 feet
thence South 87 Degrees 44 Minutes 31 Seconds East	66.3 feet
thence South 86 Degrees 56 Minutes 30 Seconds East	72.9 feet
thence South 87 Degrees 09 Minutes 59 Seconds East	78.2 feet
thence South 87 Degrees 06 Minutes 02 Seconds East	82.5 feet
thence South 86 Degrees 57 Minutes 56 Seconds East	84.8 feet
thence South 87 Degrees 32 Minutes 42 Seconds East	82.1 feet

thence South 86 Degrees 53 Minutes 12 Seconds East 55.2 feet  
 thence South 86 Degrees 55 Minutes 36 Seconds East 50.3 feet  
 thence South 88 Degrees 23 Minutes 02 Seconds East 39.4 feet  
 thence South 86 Degrees 02 Minutes 03 Seconds East 30.9 feet  
 thence South 86 Degrees 54 Minutes 16 Seconds East 49.9 feet  
 thence South 85 Degrees 53 Minutes 40 Seconds East 59.9 feet  
 thence South 85 Degrees 52 Minutes 18 Seconds East 63.8 feet  
 thence South 87 Degrees 23 Minutes 14 Seconds East 64.7 feet  
 thence South 88 Degrees 27 Minutes 14 Seconds East 71.5 feet  
 thence South 86 Degrees 43 Minutes 00 Seconds East 78.9 feet  
 thence South 86 Degrees 48 Minutes 13 Seconds East 80.8 feet  
 thence South 86 Degrees 59 Minutes 11 Seconds East 73.9 feet  
 thence South 88 Degrees 45 Minutes 11 Seconds East 61 feet

thence South 88 Degrees 04 Minutes 41 Seconds East 54.2 feet more or less to **the ending point at:** 37 degrees 24 minutes 08.83 seconds North Latitude and -113 degrees 38 minutes 01.46 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,020,665.5 feet and Y = 10,117,482.8 feet.